

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER DIVISION**

## **MICHIGAN'S STORM WATER DISCHARGE PERMITS FOR MARINAS - GUIDANCE**

### **Must My Organization Get a Permit?**

Federal regulations require an industry to apply for a storm water permit if storm water associated with industrial activity at the facility discharges into a separate storm sewer system or directly into a surface water.

A storm water permit is not required if storm water does not discharge from the facility site or is discharged into a sewer system which leads to a wastewater treatment plant.

You can determine if a storm water permit is necessary for your marina by answering the following three questions. Please see the guidance below to help you answer the questions.

1. What is the establishment's Standard Industrial Classification (SIC) code (i.e., what is the primary activity)?
2. Are there "industrial" activities conducted at the site?
3. Does the storm water runoff from those areas of industrial activity discharge to waters of the state via one or more point sources?

The following is guidance for answering these questions.

1. What is the Establishment's SIC Code, and is it Covered Under the Federal Storm Water Regulations?

All commercial activities have an industry-specific 4-digit Standard Industrial Classification (SIC) code number. The SIC code numbers are used by the federal Office of Management and Budget to describe the primary nature of business in which a facility is engaged. Marinas have a specific SIC code, but the term "marina" is commonly applied to a variety of boating-related industries with different SIC codes. Some of these SIC codes are listed in the federal storm water regulations and these facilities therefore require storm water permits (if the following items 2 and 3 also apply). The following SIC codes are included in the regulations:

SIC 4493 - Marinas: establishments which primarily rent boat slips, store boats, and generally perform a range of other marine services including boat cleaning, and incidental boat repair. They may also sell food, fuel, and fishing supplies, and may sell boats.

SIC 3732 - Boat Building and Repairing: establishments primarily engaged in building and repairing all forms of pleasure boats, including motorboats, sailboats, rowboats, pontoons, houseboats, canoes, and kayaks.

Other common boating-related SIC codes that are not included in the federal storm water regulations are listed below:

SIC 5541 - Marine Service Stations: establishments primarily engaged in retail sale of fuel and lubricating oils.

SIC 5551 - Boat Dealers: establishments primarily engaged in the retail sale of new and used boats and other watercraft, marine supplies, and outboard motors.

SIC 7999: Boat rental for pleasure, and boating and yacht clubs requiring membership

Establishments may have more than one SIC code, depending on the types of activities performed, but the primary SIC code (based on the greatest source of revenue) is used to determine if the establishment is included in the storm water regulations, and therefore may need a discharge permit.

## 2. Are Regulated "Industrial" Activities Conducted at the Facility?

A storm water permit is required for a discharge of "storm water associated with industrial activity," a phrase defined in the federal storm water regulations. The definition varies somewhat depending on a facility's SIC code.

For a marina with a primary SIC code of 4493, industrial activities are vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication) or equipment cleaning operations. Storm water that discharges from areas where these activities are being conducted will need a permit, regardless of the actual contact between the storm water and the activity. As an example, if a marina includes a building where boat maintenance is performed, storm water discharges from the site of that building require a permit even if the storm water does not actually contact the vehicles when and where maintenance is being performed. This is true for all activities related to vehicle maintenance or equipment cleaning, with the one exception of retail fuel sales alone. The U.S. EPA has made the following ruling: "The retail sale of fuel alone at marinas, without any other vehicle maintenance or equipment cleaning operations, is not considered to be grounds for coverage under the storm water regulations."

For an establishment primarily involved in boat building and repairing (SIC 3732), all activities are considered industrial except for employee parking and administration.

## 3. Is there a Point Source Discharge?

The term "point source" is defined as "any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, ....., vessel or other floating craft from which pollutants are or may be discharged." The term is broad enough to include impervious surfaces such as parking lots and boat ramps that are graded to assist runoff and thereby convey storm water off the site.

Storm water that does not discharge off the site of a regulated industrial activity or which leaves the site through other than a point source generally will not need a permit.

Marinas need a storm water discharge permit if they meet all three of the conditions listed above [i.e., (1) included in the regulated SIC codes; (2) has regulated industrial activities; and (3) there is discharge of the runoff through a point source]. A storm water discharge permit application is not needed if one or more of the above conditions do not apply to the facility.

## **How to Apply for Coverage**

To apply for coverage, submit a Notice of Intent (NOI) to the Michigan Department of Natural Resources for coverage under the industrial storm water general permit. Your submitted NOI will be reviewed by the Department. If coverage under the general permit is appropriate, a Certificate of Coverage will be issued to you from one of the Surface Water Quality Division's district offices. Each applicant that receives a Certificate of Coverage will be responsible for developing and implementing a storm water pollution prevention plan. Schedules and criteria for developing and implementing the pollution prevention plan are found within the enclosed general storm water permit (PR 4674).

## **What Happens if I Ignore This?**

If a required applicant ignores the permit application requirement or does not return the enclosed NOI, the individual may be in violation of federal and state law. Violations may result in fines, legal action, or expose the facility to citizen lawsuits. Fines can be up to \$25,000 per day of violation.